

REMARKS

This paper is presented in response to the Office Action. By this paper, claims 1, 13, 17, 18, 22, 23, 24, 25, 29, and 32 are amended. Claims 1-35 are now pending.

Reconsideration of the application is respectfully requested in view of the aforementioned amendments and the following remarks. For the convenience and reference of the Examiner, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

I. General Considerations

A. Claim Amendments and/or Cancellations

With particular reference to the claim amendments, Applicant notes that while claims 1, 13, 17, 18, 22, 23, 24, 25, 29, and 32 have been amended herein, such amendments have been made in the interest of expediting the allowance of this case. Notwithstanding, Applicant, may, on further consideration, determine that claims of broader scope than those now presented are supported. Accordingly, Applicant hereby reserves the right to file one or more continuing applications with claims broader in scope than the claims now presented.

Consistent with the points set forth above, Applicant submits that neither the claim amendments set forth herein, nor any other claim amendments, claim cancellations or statements advanced by the Applicant in this or any related case, constitute or should be construed as, an implicit or explicit surrender or disclaimer of claim scope with respect to the cited, or any other, references.

B. Remarks

Applicant respectfully notes that the remarks herein do not constitute, nor are they intended to be, an exhaustive enumeration of the patentable distinctions between any cited references and the invention, example embodiments of which are set forth in the claims of this application. Rather, and in consideration of the fact that various factors make it impractical to enumerate all the patentable distinctions between the invention and the cited art, as well as the fact that the Applicant has broad discretion in terms of the identification and consideration of the base(s) upon which the claims distinguish over the cited references, the distinctions identified and discussed herein are presented solely by way of example. Consistent with the foregoing, the discussion herein is not intended, and should not be construed, to prejudice or foreclose contemporaneous or future consideration by the Applicant, in this case or any other, of: additional or alternative distinctions between the invention and the cited references; and/or, the merits of additional or alternative arguments.

Applicant notes that the remarks, or a lack of remarks, set forth herein are not intended to constitute, and should not be construed as, an acquiescence, on the part of the Applicant: as to the

purported teachings or prior art status of the cited references; as to the characterization of the cited references advanced by the Examiner; or as to any other assertions, allegations or characterizations made by the Examiner at any time in this case. Applicant reserves the right to challenge the purported teaching and prior art status of the cited references at any appropriate time.

II. Claim Rejections under 35 U.S.C. § 112, First Paragraph

The Examiner has rejected claims 17 and 18 under 35 U.S.C. § 112, First Paragraph as allegedly failing to comply with the written description requirement. Specifically, the Examiner asserts that the limitations “interface comprises a transmit data in line and an inverted transmit data in line” recited in claim 17 and “interface comprises received data out line and an inverted received data out line” recited in claim 18 are each allegedly not disclosed in the specification. Applicant respectfully disagrees with the assertion of the Examiner but submits that in view of amendments made herein to claims 17 and 18, the rejection based on the written description requirement has been rendered moot and should be withdrawn. The amendments to those claims are supported in the specification at least at page 5, lines 19-22, and Figure 2.

III. Rejection of Claims 1-35 under 35 U.S.C. § 102

Applicant respectfully notes that a claim is anticipated under 35 U.S.C. § 102(a), (b), or (e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Further, the identical invention must be shown in as complete detail as is contained in the claim. Finally, the elements must be arranged as required by the claim. *MPEP* § 2131.

The Examiner has rejected claims 1-35 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0072059 to Thomas et al. (“*Thomas*”). Applicant respectfully disagrees and submits that for at least the reasons set forth below, the rejection of claims 1-35 should be withdrawn. Of the rejected claims, claims 1, 13, 22, 25, 29, and 32 are independent claims.

By this paper, Applicant has amended independent claims 1 and 13 to recite in part “...a controller configured to encrypt a string and supply the encrypted string to a host to authenticate the transceiver, authentication of the transceiver being contingent upon whether or not the transceiver has been certified by a manufacturer or supplier as meeting a specified quality standard.” Support for these amendments can be found in the application at various locations, including at page 4, lines 6-13. In contrast, the Examiner has not shown that the cited reference teaches or suggests these elements in combination with the other elements recited in claims 1 and 13.

As well, Applicant has amended claim 22 to recite in part "...a controller in communication with the transmitter and the receiver and configured and arranged to communicate with the host to authenticate the transceiver with the host, wherein the controller stores a first unique transceiver-specific public key/private key pair for authentication, the first unique transceiver-specific public key/private key corresponding with a manufacturer of the transceiver." Support for this amendment can be found in the application at various locations, including at page 9, line 26 to page 10, line 7. In contrast, the Examiner has not shown that the cited reference teaches or suggests these elements in combination with the other elements recited in claim 22.

Applicant has also amended claim 25 to recite in part "...means for authenticating the fiber optic transceiver independent of the received data signals upon installation of the fiber optic transceiver, the means for authenticating the fiber optic transceiver enabling the host to determine whether or not the fiber optic transceiver is a cloned transceiver." Support for this amendment can be found in the application at various locations, including at page 4, lines 6-13. In contrast, the Examiner has not shown that the cited reference teaches or suggests these elements in combination with the other elements recited in claim 25.

In addition, Applicant has amended claim 29 to recite in part "...selecting, at the host, one of accepting and rejecting the transceiver based upon the analysis of the authentication signal, wherein: the host accepts the transceiver and uses the accepted transceiver for data communications with an external device if the transceiver is determined by the host to be authentic; and the host rejects the transceiver for data communications with an external device if the transceiver is determined by the host to be inauthentic." Support for this amendment can be found in the application at various locations, including at page 10, line 8 to page 11, line 3. In contrast, the Examiner has not shown that the cited reference teaches or suggests these elements in combination with the other elements recited in claim 29.

Finally, Applicant has amended claim 32 to recite in part "...electrically coupling the transceiver to a host through a communication link; requesting, by the host, the encrypted transceiver specific public key from the transceiver; passing the encrypted transceiver specific public key from the transceiver to the host by way of the communication link..." Support for this amendment can be found in the application at various locations, including at page 3, lines 16-22. In contrast, the Examiner has not shown that the cited reference teaches or suggests these elements in combination with the other elements recited in claim 32.

In view of the foregoing discussion, Applicant respectfully submits that the rejection of claims 1, 13, 22, 25, 29, and 32 should be withdrawn at least because the Examiner has not shown that each and

every element as set forth in claims 1, 13, 22, 25, 29, and 32 is found in *Thomas* or any other reference, because the Examiner has not shown that the identical invention is shown in *Thomas* or any other reference in as complete detail as is contained in claims 1, 13, 22, 25, 29, and 32, and because the Examiner has not shown that *Thomas* or any other reference discloses the elements arranged as required by those claims. Applicant thus respectfully submits that the anticipation rejections of claims 1, 13, 22, 25, 29, and 32, as well as the rejection of corresponding dependent claims 2-12, 14-21, 23, 24, 26-28, 30, 31, and 33-35, should be withdrawn.

CONCLUSION

In view of the remarks submitted herein, Applicant respectfully submits that each of the pending claims 1-35 is in condition for allowance. Therefore, reconsideration of the rejections is requested and allowance of those claims is respectfully solicited. In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate the same with the undersigned attorney.

Dated this 10th day of July 2008.

Respectfully submitted,
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